

REMARKS

The formal drawings requested by the Examiner were filed by mail on January 20, 2006, and should be in the file by now.

As discussed in the telephone interview on March 27 between Examiner Sterling and applicant's undersigned attorney, applicant does not agree with or fully understand all of the claim objections found on Page 3 of the action. Applicant does agree that Claims 15, 16, 30 and 31 are directed to nonelected species, although applicant does not understand why the Examiner did not simply withdraw them, rather than objecting to them and asking applicant to withdraw them.

Applicant does not agree with the Examiner's contention that Claim 13 is directed to a nonelected species than that shown in Figure 1 because it does not require the cornerpieces which are shown in Figure 1. The elements required by Claim 13 are all found in Figure 1, and the Examiner cannot create a separate species by arguing that the cornerpieces are not part of the structure when the runners are over-molded. The specification simply says that the cornerpieces are "not required" when the runners are over-molded onto the housing. It does not say that they cannot be used. It is, therefore, respectfully submitted that Claim 13 is directed to the elected species and that it should be examined.

With regard to the objection to the status indicator used for Claims 30 - 35, applicant agrees with the Examiner that it is silly to insist upon use of the seven terms listed in 37 CFR 1.121 and no others, particularly when they are not as accurate as another term might be. Moreover, as pointed out in the telephone interview, the requirement to identify claims added by a prior amendment as "new" is not correct because the claims are no longer new. Therefore, in the present amendment, the claims in question are being identified as "Previously Presented" even though it would be more accurate to identify them as "Previously Added" since "Previously Presented" also includes the claims which were presented originally.

The rejection of Claim 12 under 35 U.S.C. §112 as lacking sufficient antecedent basis for "the two sections of the housing" is not understood. Claim 12 depends ultimately from Claim 10 which defines the housing as having "base and cover sections", and those are clearly the sections to which the claim is referring. There are no others. However, rather than belaboring the point, Claim 12 is being amended to refer specifically to "the base and cover sections", and applicant trusts that the rejection will be withdrawn.

Claims 1 - 3, 6 - 12, 17 - 20 and 32 have been rejected under 35 U.S.C. §102 as being anticipated by Ribeiro (U.S. 6,454,250). Reconsideration and withdrawal of that rejection is requested.

After careful study of the rather scant disclosure of Ribeiro, it appears to applicant that the Examiner has misinterpreted what is found there. The purpose of so-called "elastomeric member" 54 is to absorb forces between the upper and lower housing sections 58, 56, not to receive impacts which would otherwise strike the housing. Member 54 does not extend or project from the housing at all. Instead, it is sandwiched between the peripheral side walls of the two housing sections, and the elements labeled by the Examiner as "fenders" are simply steps in the side walls of the upper section (which is shown upside down in Figure 4). A careful examination of Figure 4 shows that the side walls of the upper section are solid and that there is no spacing between the portions the Examiner has labeled "fenders" and the remainder of the walls. This is seen most clearly at the edges of the opening on the right side of the structure as seen in Figure 4. The side walls of the upper section thus have a relatively thin inner lip which is received in a groove 86 on the upper side of the elastomeric member (see Figure 5), with the outer surfaces of the elastomeric member being flush with the outer surfaces of the side walls of the two housing sections, with nothing projecting beyond the housing walls.

It should further be noted that Claim 1 also specifies that a fragile element is rigidly mounted to the housing, another element which is not found in Ribeiro. The Examiner's reference to the passing mention of an "electronic component" in Ribeiro does not meet the claim. There is no teaching that such a component is fragile or that it is rigidly mounted to the housing.

In order to further clarify the distinction between applicant's invention and the structure shown in Ribeiro, Claim 1 is being amended to specify that the shock absorbing elements project outwardly from the housing for receiving impacts which would otherwise strike the housing from the outside. As amended, Claim 1 distinguishes over Ribeiro in calling for a housing to which a fragile element is rigidly mounted, and a plurality of discrete shock absorbing elements projecting outwardly in different directions from the housing for receiving impacts which would otherwise strike the housing from the outside, with at least some of the shock absorbing elements being formed integrally with the housing and of the same material as the housing.

Claims 2, 6 - 9 and 32 depend from Claim 1 and distinguish over Ribeiro for the same reasons as their amended parent claim. In addition, they call for additional elements

which are not found in Ribeiro. Thus, for example, Claim 2 specifies that some of the shock absorbing elements are fabricated of an elastomeric material affixed to the housing. Claim 3 is being cancelled since its subject matter is now included in Claim 1.

Claim 6 further distinguishes in specifying that some of the shock absorbing elements are formed integrally with a gasket which seals two sections of the housing together.

Claim 7 further distinguishes in specifying that at least some of the shock absorbing elements extend beyond a mounting surface of the housing and are adapted to deflect so as not to prevent the mounting surface from making direct contact with a surface on which the enclosure is installed. Such elements are neither found in nor addressed by the Examiner.

Claim 8 further distinguishes in calling for a mounting pad which projects from the housing, and a shock absorbing fender spaced laterally from the mounting pad. The element (62) characterized by the Examiner is not a mounting pad which projects from the housing, but simply is the bottom "edge" of the housing. Moreover, as discussed above, there are no fenders which are spaced laterally from anything in Ribeiro, let alone a mounting pad. Claim 9 depends from Claim 8 and distinguishes even further in specifying that the mounting pad and the fender are formed integrally with the housing.

Claim 32 further distinguishes in specifying that the shock absorbing elements include shock absorbing fenders which extend around and are spaced from corner portions of the housing for receiving impacts that would otherwise strike the housing.

Claim 10 is being amended in a manner similar to Claim 1 to specify that the shock absorbing elements extend outwardly from the sealing portion. As amended, Claim 10 distinguishes over the references in calling for a housing having base and cover sections, and a combined sealing gasket and shock absorbing structure formed integrally of an elastomeric material with a generally planar sealing portion disposed between the base and cover sections of the housing and a plurality of discrete shock absorbing elements extending outwardly from the sealing portion and projecting from different sides of the housing, with at one of the elements projecting from the housing in a direction substantially perpendicular to the plane of the sealing portion..

Claims 11 - 12 and 17 - 18 depend from Claim 10 and are directed to allowable subject matter for the same reasons as their amended parent claim. In addition, they call for additional elements which are not found in Ribeiro. In that regard, Claim 11 specifies that the shock absorbing elements are connected to the sealing portion by

runners which are embedded in the walls of the housing, and Claim 12 specifies that the runners are embedded in recesses near the corners of the housing and held in place by cornerpieces retained by fasteners that also hold the base and cover sections of the housing together.

Claim 17 further distinguishes in calling for a mounting pad which projects from the housing and a shock absorbing fender spaced laterally from the mounting pad, and Claim 18 depends from Claim 17 and further specifies that the mounting pad and the fender are formed integrally with the housing.

Claims 1, 5, 10 and 14 have been rejected under 35 U.S.C. §102 as being anticipated by Crockett (U.S. 5,550,712). Reconsideration and withdrawal of that rejection is also requested.

Crockett does not anticipate Claims 1 and 5 because it does not show a fragile element rigidly mounted to a housing. The element (14) characterized by the Examiner as a fragile element is actually a printed circuit board which is mounted to the housing by isolation members or grommets²² made of an elastomeric material. This is one form of a flexible system which is discussed in the background section of applicant's disclosure and which the invention is specifically intended to improve upon.

Moreover, the so-called bumper seal 17 of Crockett extends only about the lateral periphery of the housing and provides no protection from shocks impinging from any direction other than the plane of the bumper itself.

Thus, Claim 1 distinguishes over Crockett in calling for a housing to which a fragile element is rigidly mounted, and a plurality of discrete shock absorbing elements projecting outwardly in different directions from the housing for receiving impacts which would otherwise strike the housing from the outside, with at least some of the shock absorbing elements being formed integrally with the housing and of the same material as the housing. Claim 5 depends from Claim 1 and is directed to allowable subject matter for the same reasons as its parent claim.

Claim 10 is being amended in order to further distinguish over Crockett by specifying that the sealing portion of the combined sealing gasket and shock absorbing structure is generally planar and that at one of the shock absorbing elements projects from the housing in a direction substantially perpendicular to the plane of the sealing portion. As amended, Claim 10 distinguishes over Crockett in calling for a housing having base and cover sections, and a combined sealing gasket and shock absorbing structure formed integrally of an elastomeric material with a generally planar sealing portion

disposed between the base and cover sections of the housing and a plurality of discrete shock absorbing elements extending outwardly from the sealing portion and projecting from different sides of the housing, with at one of the elements projecting from the housing in a direction substantially perpendicular to the plane of the sealing portion.

Claim 14 depends from Claim 10 and is directed to allowable subject matter for the same reasons as its amended parent claim.

Claims 1, 19, 21, 23, 32, 33 and 35 have been rejected under 35 U.S.C. §102 as being anticipated by Albrecht et al. (U.S. 6,034,841). Reconsideration and withdrawal of that rejection is also requested.

Contrary to the Examiner's suggestion, Albrecht et al. does not have either mounting pads which project from the housing or shock absorbing fenders which extend around and are spaced laterally from the corners of the housing or from mounting pads. The element which the Examiner has labeled as a mounting pad is not a mounting pad at all, and it does not project from the housing. It is a threaded post or boss which receives the screws which hold the top and bottom covers on bottom base 10. See Col. 3, lines 19 - 22.

The corner bumpers 80 shown in Figure 9 of Albrecht et al. are separate pieces that slide over the corner posts and are held in place by the cover plates. They are not formed integrally with the housing, the sealing gaskets which go between the covers and the bottom base, or with each other.

As amended, Claim 1 distinguishes over Albrecht et al. in calling for a housing to which a fragile element is rigidly mounted, and a plurality of discrete shock absorbing elements projecting outwardly in different directions from the housing for receiving impacts which would otherwise strike the housing from the outside, with at least some of the shock absorbing elements being formed integrally with the housing and of the same material as the housing.

Claim 19 distinguishes over Albrecht et al. in calling for a shock-resistant enclosure, comprising a housing to which a fragile element is rigidly mounted, a mounting pad which projects from the housing, and a shock absorbing fender spaced laterally from the mounting pad for receiving impacts which would otherwise strike the mounting pad. As pointed out above Albrecht et al. discloses neither a mounting pad which projects from a housing nor a shock absorbing fender spaced laterally from a mounting pad.

Claims 21 and 23 depend from Claim 19 and distinguish over Albrecht et al. for the same reasons as their parent claim. In addition, Claim 21 further distinguishes in

n specifying that the fender includes a lug which extends beyond a surface of the mounting pad for receiving impacts which might otherwise strike the surface of the pad, and Claim 23 further specifies that the mounting pad is generally circular, and the fender is generally C-shaped.


Claims 32, 33 and 35 depend from Claim 1 and distinguish over Albrecht et al. for the same reasons as their amended parent claim. Claim 32 further distinguishes in specifying that at least some of the shock absorbing elements are shock absorbing fenders which extend around and are spaced from corner portions of the housing for receiving impacts that would otherwise strike the housing. Claim 33 further specifies that the fenders are formed integrally with the housing, and Claim 35 further specifies that the fenders include lugs which extend beyond a side of the housing bounded by the corner portions.

Finally, Claims 22 and 34 have been rejected under 35 U.S.C. §103 as being unpatentable over Albrecht et al. Those claims depend from Claims 19 and 32 and are directed to patentable subject matter for the same reasons as their parent claims. Moreover, the Examiner is mistaken in saying that the housing disclosed in Albrecht et al. is made of plastic. Albrecht et al. is silent as to the material of the top and bottom covers, but the top and bottom covers of disk drives are typically metal, and Albrecht et al. does not teach otherwise. Moreover, making the corner bumpers 80 of plastic would prevent them from being resilient and would therefore prevent them from serving their stated purpose of protecting the drive from high levels of impact during acceleration. A modification which defeats the stated purpose of a reference is not a proper basis for rejection under 35 U.S.C. §103.

With this amendment, it is respectfully submitted that Claims 1, 2, 5 - 14, 17 - 23, and 32 - 35 are all directed to patentable subject matter and that the application is in condition for allowance.

The Commissioner is authorized to charge any fees required in this matter, including extension fees, to Deposit Account 50-2975, Order No. A-71673.

Respectfully submitted,



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